

**7-100. Approval of State Rules and Programs for Hazardous Air Pollutants  
(1200 TN 398 7-100)****1. AUTHORITY.**

- a. To approve or disapprove State requests to implement and enforce unchanged Federal Section 112 emission standards pursuant to Section 112(l) of the Clean Air Act (CAA), using criteria defined in 40 CFR § 63.91, and to notify the State of such actions;
- b. To approve or disapprove State rules that adjust a Federal Section 112 rule, using criteria defined in 40 CFR §§ 63.91 and 63.92, and to notify the State of such actions;
- c. To approve or disapprove State rules and requirements that substitute for a Federal Section 112 rule, using criteria defined in 40 CFR §§ 63.91 and 63.93, and to notify the State of such actions;
- d. To approve or disapprove State programs that serve as substitutes for Section 112 emission standards, using criteria defined in 40 CFR §§ 63.91 and 63.94, and to notify the State of such actions;
- e. To approve or disapprove State Accidental Release Prevention Programs, using criteria defined in 40 CFR §§ 63.91, 63.92, or 63.93 and 63.95, and to notify the State of such actions;
- f. To make completeness determinations pursuant to 40 CFR § 63.91(a)(1), and to notify the State of such determinations;
- g. To make information requests pursuant to 40 CFR § 63.96(a);
- h. To make determinations of adequacy for the purpose of withdrawing State rules or programs pursuant to 40 CFR § 63.96(b), and to conduct withdrawal proceedings pursuant to 40 CFR § 63.96(b);
- i. To approve or disapprove revisions to previously approved rules, programs, or other authorities pursuant to 40 CFR § 63.91(c); and
- j. To approve or disapprove State rules and programs limiting a source's potential to emit hazardous air pollutants pursuant to CAA Section 112(l) and to notify the State of such actions.

**7-100. Approval of State Rules and Programs for Hazardous Air Pollutants (continued)****2. TO WHOM DELEGATED.**

- a. The authorities in 1.a. 1.f. and 1.g. are is delegated to the Director, Air and Radiation Division (ARD).
- b. All other authorities are reserved to the Regional Administrator.

**3. LIMITATIONS.** Prior to exercising authorities 1.c., 1.d., 1.e., and 1.h., the Regional Administrator shall afford the Assistant Administrators for the Offices of Air and Radiation (AA/OAR); the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA); and the Assistant Administrator for the Office of Land and Emergency Management (AA/OLEM) (as applicable), and the General Counsel an opportunity to review, and if necessary concur upon, a Region's proposed decision within 15 days after the Regional Office submits the draft final Federal Register notice to each of these Headquarter's offices.

**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

**5. ADDITIONAL REFERENCES.**

- a. Section 112(l) of the CAA.
- b. 40 CFR Part 63, Subpart B, "Approval of State Programs and Delegation of Federal Authorities

**6. SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-100. Approval of State Rules and Programs for Hazardous Air Pollutants, 1200 TN RIII 127, (September 24, 1998).

Date: APR 15 2019

  
Cosmo Servidio  
Regional Administrator